

December 2004 - Internal Stakeholders Meeting

Madison Input Meeting: 12/9/04 (~40 people)

Leaders: Mike Degen, Frank Schultz, Cynthia Moore, Larry Lynch

Introductions and background

- Review context of redesign, recommendations of business functions and management systems and structure options, how will they work, have we missed something, and next steps
- Think in broad terms and look to the future
- We've lost 30% of our resources
- We have new tools – Green Tier, self-cert programs from other states

Context

- Division theme of Smart Regulation
- Changed economy
- Changed business community
- Redesign criteria

Ground Rules

- Be respectful
- Value all perspectives/differences
- Substance shared, who said what is not relevant
- Ask questions for clarification not to make a point
- Articulate questions in the positive
- Articulate assumptions
- No side conversations

Management Systems Recommendation grid

- Position for future with less resources
- Chose management systems first then address structure
- **Plan Review and Licensing**
 - Questions on GT and what that means, concern on the timing of using GT, why not take this to other parts of our program besides HW. There are three GT companies in-house right now. Coop-Envio Agreements were the pilots for GT
 - Liked the technical review process laid out. Although have responsibility but not authority – look at workload even across regions work with Supervisor to make assignments, need a process to make sure what we lay out happens – positive points provides more flexibility around state and peer review to help with consistency. However land mines in dealing with supervisory issues can have inefficiencies with 2 or more managers giving work. Concentrate on two positives and be careful on how we set up structure to minimize the other. Need dispute resolution procedure. Are there codes that need to be revised to improve plan review? Highlight them. Thinks that peer review should be a supervisory position – have Regional Sup, Sup where project is, plan reviewer,
 - Provide enough money for training.
 - Concern from others on multiple masters

- Inspections – what is region role with Green Tier partnership with central coordination
- Reduce review of ‘as-built’ – not looking at guidance or rule changes
- Self-cert – remove some of the exemptions from MRFS but then require self-certs (self-cert from other states regulatory agency develops check list, have outreach sessions, then company does the check list and then the agency does either random inspections or targeted geographic or targeted sector) can get to facilities they were not getting out to. Like the concept a lot.
- No specialists listed under the option for plan review – major workload in northern region
- **Send comments to Bangert or Puntillo**
- **Inspections, Audits and Program Evaluations**
 - Get to the big players every 5 years
 - Focus inspections on small and very small – don’t have the resources necessary to know and follow all the rules
 - Self-reporting of audits, electronic submittals, Dovetails with green tier, Balance work across regional boundaries, Drop RU pgm evals, drop non-metallic mining etc from the chart
 - Concern over dropping the looking at large quantity generators – not much different than what we do now.
 - Maybe health depts not fire depts. – needs a lot of work
 - Not in favor of joint inspections
 - Concern over inspect if only a complaint – works if we have more outreach – bigger ones know what to do the smaller ones just do not understand – maybe rules can be simplified
 - Question on responding to complaints – can options be combined – additional comments – transfer some to county like we have done with salvage yards also gets to how much do we need to regulate them eg transfer points, storage facilities (usually litter and that is a local gvt issue), Need to ask question how much impact has our review had?
 - Self-inspections primarily aimed at landfills? Aimed at alleviating plan reviewers – intent is not to separate functions – we did not look at enforcement
 - Some concern that we need things to be done right up front – then they are low impact otherwise they are not – transfer facility and composting facilities
 - Focus more energy on outreach
 - Concern that we cannot just push things off to the counties – they are in the same position as we are. It will set up things to fail. Some counties are willing to take things on – so try to find them and let them take this on.
 - If 95% are good then how do we deal with the 5% when strapped for resources: BIG FINES – try to get them to go back to the county, Return problem back to us, We have been asked to level the playing field. Trade organizations can do more here also.
 - Proposed rule had a ‘rider’ that says if self-cert at time of license renewal comes in late get charged for a compliance audit. Gets at late submittals also.
 - Non-metallic mining have to do RA’s every 10 years – changes would require a statute change and we get money from the regulated community and we need to figure out what to do with that money. Letting that go to the county is

not going to work because we are supposed to be auditing the counties. Note the timeline for this is 7-10 years. Support centralizing the audits – they are financial audits – not something the technical field people feel comfortable doing. Some disagreement with this. Financial is only part of this and was a big part the first time around but different now. Centralizing means identifying core people.

- **Policy Development and Guidance**

- EMS policy template – stakeholders involved up-front and often. Have both process part and policy part that needs to be addressed.
- We have revised codes 3 times – problems with rigid codes. Work more through guidance documents
- Need to put more emphasis on reuse and recycle – look to Europe for trends – cannot continue to use more land for landfills
- Like to see a stepped approach to the EMS policy template. It takes a lot of time and if certain things that affect a small number of people.

- **Policies that move us forward**

- Enforcement Memos, GT, fees and annual rpts, pollution reduction credits, Blue Ribbon Task Force, etc – go from regulating facilities to regulating wastes
- What is difference between council on recycling and BRTF – include them to help us taking issues to Governor – to start the BRTF to look at where to take the program next.
- Some discussion of Charters under GT. EG – Metal Recyclers – Beyond compliance concepts taken to entire sector rather than one entity
- Be careful with enforcement memos – worried about program integrity – do things state-wide. In the past the memos never get through the system. They are process heavy.
- Pollution reduction credits – how will it work in the waste program? Sponsor clean sweep programs, in exchange for educational programs or reduced inspections or something. Needs more work.
- For non-metallic mining we have a short-term and long-term solution, but nothing mid-term. Needs to be more discussion

- **Outreach and Education**

- Want to place emphasis in this area – stand to gain a lot – significant that we want to dedicate resources,
- Don't forget the EEK site – there are already a lot of resources there
- Promote grants and finding grants – helps to motivate and get participation – have a group that is out there looking for money
- Be focused
- Emphasis the need for web person and an editor
- Also need web staff

- **Enforcement**

- Issuing a citation is quick and easy – the follow up is very time consuming. People will not be happy. If they do not pay you have to go to court and may have to testify.... It is easier than a referral –
- Maybe we should be doing more with outreach
- Cases get bogged down when we get to enforcement – can we look at that
- Push supplemental environmental project stuff

- Be careful with the 'bad actor' list – can affect our relationships. Check with air and see how that went for them. Also watch out for liabilities
- Opposite side is awards for exceptional behavior
- **Technical and compliance assistance**
 - No comments – just makes sense
 - Make a connection between business sector specialists and us to get more information exchange – good connection between the work they do and the work we do
 - Concern that we do not know a lot about Green Tier – come concern it seems to be taking over or a large part of many of our functions
 - What is the philosophy on the balance between increased visits and decreased inspections? Complaints come to our door while technical assistance is something we take out and push to others.
 - Non-metallic audits are more closely defined as a 'visit'
 - Environmental professionals look at the regulator is your friend and they use us to get their company to perform well.
 - Lack of an alternative to the annual waste conference – need a forum to exchange info and just talk
- **Complaint Response**
 - 5% legitimate; 95% neighbor vs. neighbor type -- usually legitimate for Waste Probably could screen these out. So many are just beefs. First bullet covers it.
 - Screening process; maybe Pas could help.
 - Careful on qualifying complaints – could be based on what they look like/what they wear.
 - Complaint people call numerous staff; need up front routing so this doesn't happen.
 - Keep in mind there are numerous other complaints that don't complain; could be several behind it.
- **Data Use and Management**
 - Be careful about setting up systems that we aren't driven by the system and what the system wants vs. what we want.
 - Work closely with IT services so appropriate supported tools are used.
 - Better equipment for us.
 - Queries need to not cause us more problems than they are worth.

Structure Options

Numbering system doesn't mean anything. No are not decentralizing the bureau. Staffing complement needs more work particularly under option 1.

Option 1

- In line with the business functions. Innovation should occur in all sections.
- When talking about skills, a person doesn't need to have all skills.
- Clarifying Question under Program Implementation – list of processes seemed like regional one. Is intention that this section would develop guidance, etc. Yes, and forms to develop tools. More an oversight and coordination role. Would not dictate to the regions exactly which facilities to work on.

Option 2

- There was no discussion of status of standing teams under either option or how regions are organized. In line along program lines.
- Sue B – staff resources overall have been reduced; need to provide technical support to regions – will still need to rely on regional staff for their expertise under either option.

Comments

- Option 1 – budgeting activities – how determine which section to put this in. Because thinking of strategic policy initiatives and future policy work – is tied to it.
- Option 2 – outreach activities – seems to say bureau would be developing factsheets and delivery of outreach which the regions do now. There should be program-wide responsibility for outreach delivery.
- Option 1 – aligns business functions but way grouped mostly pro-active looking forward; Option2 will be do the work and nose to grindstone. Need to find ways to help people do both.
- Option 1 with Env. Assis – one policy and other is practice. Under Option 2 those two are together. Don't see the advantage under Option 1 to have them separate.
- If we were larger program could see have specific people write rules but it doesn't work to separate the two functions.
- Any benefit to represent current structure in this format?
- Option 2 is individual groups and cross –program issues problems. Need to make sure address communication and the structure that doesn't create those barriers with cross program issues.
- Person needs knowledge of program to write the rules but good to have people know the format that goes into rule making. Can see having specific people do that.
- When look at Option 2 think recycling needs to be part of everything – need to hire outreach specialist. Like concepts in 1 – first section of IT. Need to see more emphasis in both options.
- What in option 2 – what not just have 2 sections? Have programs in one and administrative stuff in another. Concern was number of staff in a section. This could be an obstacle; but maybe use the unit leader approach.
- Best way is simple, clear – problem now if someone calls in and don't know where they should go – if HW question is it a policy, planning or tech support. Need to set up just 2 so to be clear to the public.
- Agreed with above comment. Functional sections now went through identity crisis. Option 1 seems to be a different variation of that functional approach. Not sure people will be able to understand who has responsibility. Like Option 2 to go back to program function but need to interact across those lines.
- How hierarchy would look under these options? See a dup in what we have now between CO and regions; end up dealing with 2 supervisors; conflicts with settling priorities between CO and region. Also how about management structure in division. It's beyond the scope of this group; but can identify it and it will be discussed and passed onto AI.
- Think Option 2 is more realistic than the Option 1.
- Current structure doesn't run itself to run the program so had to impose teams to do that. Like Option 2; might not need teams but under Option 1 definitely need teams and will end up with same problems as we do now.
- Any looking at bringing in sector specialist?? Under Option 1 would work with them more closely but not talk about merging them with us.

- How pick mining with HW? Came down to numbers of staff in a section. SpW spans between SW and HW; same with medical waste.
- Industry has different terminology for SpW.
- How to acknowledge on paper that certain things cross boundaries? HW and business recycling; SW and municipal recycling. Also what about high volume industrial waste program. It's all SW but important part of program.
- Align to waste characteristics; have a reuse and recycling section and a land application and disposal section – this could be an option. Under Option 1 still think try to get people assigned to some specific work. If went with what they were doing with this waste, might be changing the focus and would highlight recycling.

Next Steps

Written comments to Susan or Sue. Will be meeting January 4 and 5.

Redesign team will be meeting to look at comments from this week; next week meeting with externals. Also look at developing measures on judging success of redesign and developing an implementation plan. Would propose settling up small teams to work on implementation issues in the next 6 months to define the details.

Won't be able to throw a switch to implement. Some parts are long term/some might be implemented in July time period.

Was this valuable? Are you being heard? YES!!